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November 3, 2023

Hon. Dora L. Irizarry
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Dairo Antonio Usuga-David*,
Case No. 14-CR-00625-DLI,
Response to November 3, 2023 Order

Dear Judge Irizarry:

This letter respectfully responds to your Order dated November 3, 2023, and inquiry “why he is entering the case at this juncture given that the case is closed, and why he is not appearing in the other two cases this defendant was convicted and sentenced for in this district.”

After sentencing, the Defendant was designated to the ADX Florence and continues to be incarcerated subject to SAM regulations. DE 230 (defense motion to remove SAM conditions), DE 235 (government response), DE 249 (Order denying motion to modify conditions of confinement).

Through counsel of record in the underlying cases, including Cases 23-CR-21 and 23-CR-27, the Defendant requested the opportunity to meet with the undersigned to discuss legal issues, including those pertaining to SAM, ADX, health issues and other matters. See DE 251, 248 (“Recommendations to BOP: 1. Follow up on and provide treatment for defendants various medical conditions/ailments;”).

In conversations with AUSA Navarro and others, counsel was advised that as a predicate to DOJ BOP approval to visit with the Defendant under SAMs, a formal notice of appearance of counsel is required. Consequently, given governing regulations, the filing of the application to appear *pro hac vice* as co-counsel in one case seemed to be the proper and limited method to gain access to meeting with the Defendant/inmate. The undersigned was also asked by the Defendant to enter an appearance as co-counsel in one of the cases. Given the Order granting Motion for Leave to Appear, the undersigned intends to initiate the process to visit Mr. Usuga David and discuss his legal and health issues.

Respectfully submitted,

s/Neil M. Schuster
Neil M. Schuster

NMS:asnd